IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 14TH SEPTEMBER 2007 / 23RD BHADRA 1929

RPFC.No. 64 of 2002()

AGAINST THE ORDER IN M.C.38/2001 OF FAMILY COURT, KOZHIKODE

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REVISION PETITIONER

GEETHA K. D/O. GANGADHARAN NAIR,
ALAMBIYIL HOUSE, VYDYARANGADI,
RAMANATTUKARA, KOZHIKODE.

BY ADV. SMT.K.V.RESHMI

RESPONDENTS:

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1. SASIDHARAN B.K., S/O. GOVINDAN NAIR,
VATTAKANDATHIL HOUSE, AKKAPARAMBU P.O.,
KUZHIMANNA, MALAPPURAM

2. THE STATE OF KERALA, REP.BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR AMJAD ALI

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON 14/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU,J

R.P.(FC).64/2002

Dated this 14th day of September, 2007

O R D E R

The revision petitioner is the first petitioner in M.C.38/2001, the proceedings initiated under Section 125 Cr.P.C. The Court below granted maintenance to the infant child at the rate of Rs.350/- per month, but declined the claim for maintenance made by the petitioner. She had claimed at the rate of Rs.500/- per month. It is alleged that the respondent is getting an amount of Rs.3,000/- per month and had an income of Rs.25,000/- per annum from the land of properties, but the Court below dismissed the claim of the petitioner.

2. Evidence adduced in the matter consisted of the testimony of PW1 and RW1 and Ext.B1, lawyer notice sent by RW1, Ext.B2, the acknowledgment card signed by PW1, the petitioner. The above document is not seen in the records. It is noted that the same is returned to the party. There is no appearance for the respondent before this Court.

3. It is the version of PW1 that the respondent was incessantly harassing her demanding the remaining 25

sovereigns of gold, because 50 sovereigns were agreed to be given to her by her parents, according to the respondent. It is the case that out of 25 sovereigns, 10 sovereigns have been misappropriated by the husband. When she was taken to her house for delivery, she was directed to bring the remaining 25 sovereigns also. Her uncle had gone for mediation and had talks with the father of the respondent on 12.7.2000. Thereafter the respondent had taken her to the matrimonial home. But she had to go back to her own house as the balance 25 sovereigns was not given. It is also alleged that she was pushed by the neck and locked in a room and beaten up. She was saved by her mother and uncles. So she was taken back. It is also alleged that she was not satisfied with the conveniences available at her husband's house. It was also brought out that she had initiated proceedings for dowry harassment. RW1 has stated that he had obtained bail from the High Court in the above matter. RW1 has also stated that she was brought to his house after 90 days subsequent to the delivery and on the same day she went back to her own

house. There is nothing to show that the respondent has made any efforts to take her back. The version of the petitioner is more probable that she has got proper reasons to stay at her parental home. Respondent, husband has no case that he made any bona fide attempt to get the wife stay with him. It is the finding of the Court below that the attitude of the petitioner cannot be justified. I am unable to agree with the above proposition. I find that the petitioner is entitled for maintenance. Therefore, the order of the Court below in this regard is set aside. The petitioner is granted maintenance at the rate of Rs.350/- per month from the date of the petition.

The revision petition is allowed as above.

K.R.UDAYABHANU,
JUDGE

mrcs